

**AMENDMENT
TO
VOLUNTARY CLEANUP CONTRACT
03-5044-NRP**

**IN THE MATTER OF
CHARLESTON NAVAL BASE, CHARLESTON COUNTY
and
THE CITY OF NORTH CHARLESTON**

WHEREAS, on April 1, 2003, R. Keith Summey, Mayor of North Charleston, signed Voluntary Cleanup Contract 03-5044-NRP (VCC); this contract addressed the transfer of a portion of the Charleston Naval Base [approximately seven hundred and twenty-five acres (725)] from the Charleston Naval Complex Redevelopment Authority (RDA) to the City of North Charleston (City);

WHEREAS, pursuant to paragraph fifteen (15) and upon successful completion of the VCC, the South Carolina Department of Health and Environmental Control (Department) provides the City a covenant not to sue for Existing Contamination, except for releases and consequences that the City causes;

WHEREAS, approximately three hundred fifty (350) acres were transferred from the RDA to the City on April 1, 2003, (See Appendix A to this Amendment) with the remainder of the property to be transferred at a later date;

WHEREAS, in accordance with the Brownfields/Voluntary Cleanup Program Sections 44-56-750(B)(7) and 44-56-750(E)(1) (2002) and the Comprehensive Environmental Response, Compensation and Response Act (CERCLA), 42 U.S.C. §§ 9601, et seq., pursuant to the South Carolina Hazardous Waste Management Act (HWMA), S.C. Code Ann. § 44-56-200, contribution protection notices were mailed on April 16, 2003, and notice in *The Post and Courier* was placed on April 20, 2003;

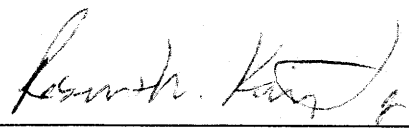
WHEREAS, comments were received during the public notice period indicating that some of the business operations being conducted on the 725 acre area had long term leases that had to be honored even after the property transferred from the RDA to the City;

WHEREAS, the operation of the same or similar businesses at a location allows for the potential of the same or similar contaminants being released at that location before and after property transactions thereby making the determination of Existing Contamination and of the releases and consequences that the City causes difficult if not impossible;


AND WHEREAS, upon closer examination it was determined that none of the 350 acres, as indicated on the map in Appendix A, that transferred to the City on April 1, 2003, held business operations that were likely to release the same or similar contaminants to the environment;

NOW, THEREFORE, IT IS AGREED, that Voluntary Cleanup Contract 03-5044-NRP is hereby amended to only include and address the three hundred fifty acres, as indicated on the map in Appendix A, that were transferred from the Charleston Naval Complex Redevelopment Authority to the City of North Charleston on April 1, 2003; all other terms and conditions of Voluntary Cleanup Contract 03-5044-NRP shall remain the same.

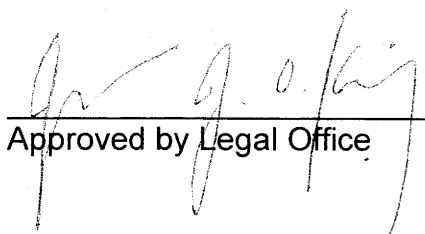
**THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL
CONTROL**

BY: 
R. Lewis Shaw, P.E.
Deputy Commissioner
Environmental Quality Control

DATE: 2/10/04
Columbia, South Carolina

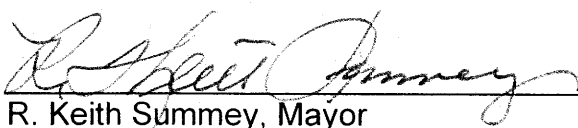

Hartsill W. Truesdale, P.E., Chief
Bureau of Land and Waste Management

DATE: 02/04/04


Approved by Legal Office


DATE: 2/2/2004

THE CITY OF NORTH CHARLESTON


R. Keith Summey, Mayor

DATE: January 8, 2004

350 Acres of Land Transferred
from the RDA to
The City of North Charleston
on April 1, 2003

 Transferred Land

